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9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11

12 ACORN CAPITAL GROUP, LLC., ) Case No. C 06 1674 JSW  
 13 )  
 Plaintiff, )  
 14 )

14 vs. )

15 WEDBUSH MORGAN SECURITIES INC. )  
 and MAX SAFDIE, )  
 16 )  
 Defendants. )  
 17 )  
 18 )  
 19 )

**STIPULATION AND ~~PROPOSED~~**  
**ORDER FOR CONTINUING**  
**DEADLINE TO SUBMIT DEPOSITION**  
**DESIGNATION OF ED SAFDIE**

19 AND RELATED CROSS-ACTION  
 20

21 **I. INTRODUCTION**

22 On August 4, 2008, following the pre-trial conference, the Court issued its Minute  
 23 Order setting a deadline of August 15, 2008 for the parties to submit annotated  
 24 transcripts of the depositions of individuals that are not expected to appear at trial.

25 Both Acorn and Wedbush have been working diligently to complete all of the  
 26 submissions that are due to be made pursuant to the Court's Minute Order. Tomorrow,  
 27 the parties will file their responses to objections to trial exhibits, a joint proposed special  
 28 verdict form and voir dire (on disc, as the hard copy has already been filed), and

1 annotated transcript indicating deposition designations for Acorn's former employee  
2 Scott Henjes, who will not appear at the trial. However, with regard to the deposition of  
3 Ed Safdie, whose designations will be more voluminous, it will not be possible to submit  
4 an annotated transcript by tomorrow, as Acorn's lead trial counsel Geoffrey Potter, who  
5 has been taking the laboring oar for Acorn in connection with the Safdie designations,  
6 has been indisposed for the past couple of days and Acorn's other primary trial counsel,  
7 Susan Jacquemot is currently out of the office on a long-planned family vacation.  
8 Although Ms. Jacquemot has been working remotely and coordinating with Mr. Potter in  
9 the office (and with Wedbush's counsel) to accomplish the other tasks that have been  
10 required this week, under the circumstances, it is not feasible for Acorn to complete the  
11 Ed Safdie designations, meet and confer with Wedbush's counsel on objections to those  
12 designations, and prepare an annotated transcript for submission tomorrow.<sup>1</sup>

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25 <sup>1</sup> Ed Safdie, who resides in Connecticut, has indicated to Wedbush's counsel that he will  
26 be present for the trial. In accordance with the parties' discussion with the Court at the  
27 recent pretrial conference, since Mr. Safdie is beyond the Court's subpoena power, the  
28 parties are designating the portions of his testimony that they would present at trial  
merely as a precaution, in the unlikely event that Mr. Safdie does not appear.

1 **II. STIPULATION**

2 In light of these issues, the parties, by and through their attorneys of record  
3 herein, submit their Stipulation and Proposed Order Continuing Deadline to Submit  
4 Deposition Designation of Ed Safdie as follows:

- 5
- 6 1. **The deadline to submit an annotated transcript of Ed Safdie's**  
7 **deposition is continued from August 15, 2008 at 4:00 p.m. to August**  
8 **20, 2008 at 4:00 p.m.**

9 **IT IS SO STIPULATED.**

10

11 DATED: August 14, 2008

/s/ Susan Jacquemot  
GEOFFREY POTTER  
SUSAN JACQUEMOT  
KRAMER LEVIN NAFTALIS & FRANKEL  
LLP  
Attorneys for Plaintiff  
ACORN CAPITAL GROUP LLC

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16 DATED: August 14, 2008

/s/ Garrett R. Wynne  
CAMERON STOUT  
GARRETT R. WYNNE  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendant and Third-Party  
Plaintiff  
WEDBUSH MORGAN SECURITIES INC.

**ORDER**

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates certain of the previously-set pre-trial dates and amends the Court's Minute Order as follows:

- 1. The deadline to submit an annotated transcript of Ed Safdie's deposition is continued from August 15, 2008 at 4:00 p.m. to August 20, 2008 at 4:00 p.m.**

Dated: August 15, 2008

HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT COURT JUDGE

